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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,445	07/29/2003	Darlene Turner	30658	5736
7590	09/10/2004		EXAMINER	
DAVID A. GREENLEE P.O. BOX 340557 COLUMBUS, OH 43234-0557			WALLING, MEAGAN S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,445

Applicant(s)

TURNER, DARLENE

Examiner

Meagan S Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07292003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Deweese et al. (US 6,377,894).

Regarding claims 1, 2, 7, and 8, Deweese et al. teaches providing a calibration device capable of calibrating the instrument (see Ref. 270); providing a database having a calibration procedure for the instrument (see Ref. 280 and column 6, lines 46-49); connecting the calibration device to the instrument while the instrument is on-site (column 6, lines 39-40); connecting the calibration device to the database (column 6, lines 48-49); and accessing the calibration procedure in the database to cause the calibration device to calibrate the instrument (see Fig. 6A).

Regarding claim 2, Deweese et al. teaches providing the database on portable storage media (see Ref. 280); and providing an on-site media access device for enabling the calibration device to access the database on the portable storage media (see Ref. 270).

Regarding claim 7, Deweese et al. teaches a calibration device capable of calibrating an instrument (Ref. 270), a database having a calibration procedure for the instrument (Ref. 280), means for connecting the calibration device to the instrument while the instrument is on-site (column 6, lines 39-40), means for connecting the calibration device to the database to access the

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calibration procedure in the database to cause the calibration device to calibrate the instrument (column 6, lines 48-49 and Fig. 6A).

Regarding claim 8, Deweese et al. teaches portable media containing the database (Ref. 280), and wherein the means for connecting the calibration device to the instrument includes a portable computer for accessing the portable media on-site (see Ref. 270).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese et al. in view of York et al. (US 6,571,191).

Deweese et al. teaches all of the limitations of claims 3,4,9, and 10 except the limitation of providing the database at an internet-accessible remote site, and providing on-site internet access for connection to the database at the internet-accessible remote site (current claim 3), providing password-activated access to the remote site database and providing a password enabling on-site access to the remote database via the internet (current claim 4), a computer located off-site and containing the database, internet access means for accessing the database via the internet, and password-protection means for limiting access to the database via the internet (current claim 9); and password protection means limiting access to the off-site computer database (current claim 10).

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Regarding claims 3 and 9, York et al. teaches remotely recalibrating a system (see abstract) by downloaded information via an internet connection (column 5, lines 25-26).

Regarding claims 4, 9, and 10, York et al. teaches password protection to prevent unauthorized access (column 2, lines 44-46).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Deweese et al. with the teachings of York et al. to teach password protection of calibration data accessed over the internet. The motivation for making this combination would be to prevent unauthorized access (column 2, lines 44-46 of York et al.), but allow a portable instrument to be calibrated anywhere that has Internet access for increased flexibility.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese et al. in view of Patel (US 5,918,191).

Deweese et al. teaches all of the limitations of claim 5 except the limitation of providing on-site means for printing a certificate of calibration and printing the certificate upon successful calibration of the instrument.

Regarding claim 5, Patel teaches printing a calibration certificate to prove accurate calibration (column 3, lines 16-18).

It would have been obvious to one skilled in the art to combine the teachings of Deweese et al. and Patel to print a calibration certificate. The motivation for making this combination would be to prove that the instrument has been calibrated to a specified standard (column 2, lines 5-7).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deweese et al. in view of Kawashima (JP 11194162).

Deweese et al. teaches all of the limitations of claim 6 except the limitation that the database includes calibration procedures for a plurality of different instruments.

Kawashima teaches a database on a host computer that has calibration data for different instruments stored on it (abstract).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Deweese et al. with the teachings of Kawashima to include calibration procedures for a plurality of instruments. The motivation for making this combination would be to have a single location for retrieving calibration data for many instruments, which would save time and money if it were necessary to calibrate several different instruments in a short period of time.

Conclusion

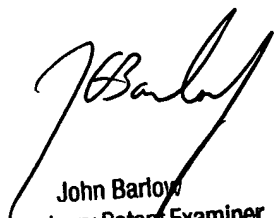
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw



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